

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORINTHIANS ANDREWS, PATRICIA ARMSTEAD
and BERNICE CHRISTOPHER, on behalf of themselves
and all other persons similarly situated,

10 Civ. 2426 (SHS)(MD)

Plaintiffs,

**NOTICE OF MOTION TO
DISMISS THE AMENDED
COMPLAINT**

-against-

THE CITY OF NEW YORK,

Defendant.

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PLEASE TAKE NOTICE that upon the Declaration of Kathleen M. Comfrey, dated August 13, 2010, and the exhibits attached thereto, and upon all other pleadings and proceedings previously had herein, Defendant is moving this Court, before the Honorable Sidney H. Stein, United States District Judge, Southern District of New York, at the Courthouse located at 500 Pearl Street, New York, New York, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, granting Defendant's motion to dismiss the amended complaint, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that opposition papers are to be served and filed by September 17, 2010 and that reply papers are to be served and filed by October 6, 2010.

Dated: New York, New York
August 13, 2010

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-139
New York, New York 10007-2601
(212) 788-7970
kcomfrey@law.nyc.gov

By: /s/
Kathleen M. Comfrey
Assistant Corporation Counsel

To: Barry J. Peek, Esq.
Melissa S. Woods, Esq.
MEYER, SUOZZI, ENGLISH & KLEIN, P.C.
Attorney for Plaintiffs
1350 Broadway, Suite 501
New York, New York 10018-00264

Alan M. Klinger, Esq.
STROOCK & STROOCK & LAVAN LLP
Attorney for Plaintiffs
180 Maiden Lane
New York, New York 10038

10 CIV. 2426 (SHS)(MD)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORINTHIANS ANDREWS, et al.,

Plaintiffs,

- against -

THE CITY OF NEW YORK,

Defendant.

**DEFENDANT'S NOTICE OF MOTION TO
DISMISS
THE AMENDED COMPLAINT**

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York
Attorney for Defendant
100 Church Street, Room 2-139
New York, N.Y. 10007-2601

Of Counsel: Kathleen M. Comfrey
Tel: (212) 788-7970
kcomfrey@law.nyc.gov

LawManager No. 2010-009286

Due and timely service is hereby admitted.

New York, N.Y.

Attorney for Defendant